

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

APRIL 1, 2003

#### CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Commissioner Davis and Commissioner Marks. Also in attendance were Industry Liaison Okey, Superintendent Davis and Executive Secretary Webb.

Ronna Chappell of ILBA, Lisa Goldner of Bose, McKinney and Evans, Pam Ferguson of WSWI, Jim Calvert of Olinger and Debbie Scott of IABR were present as observers.

#### COMMUNICATIONS FROM THE FLOOR

No Communications From the Floor.

#### DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the March 18, 2003 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

Commissioner Davis moved to approve the PAD forms that were submitted for the April 1, 2003 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

DL76-96230 MICHAEL LUBY – Hearing Judge Webb stated the issue with this permit was whether it qualified as a grocery store. The local board determined that it was not a grocery store. This matter was appealed and heard by Hearing Judge Steiner. Hearing Judge Webb stated that he reviewed the file in this matter. He stated that the permittee made extensive modifications to this establishment since the local board hearing to increase the grocery area. The Hearing Judge recommended that the Commission remand this application to the local board for reinvestigation, due to the fact that the store they saw originally is not the store that is currently operating.

Commissioner Davis moved to remand this application to the local board for reinvestigation. Motion seconded by Commissioner Marks and it was unanimously approved.

## **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

Three hundred twenty-two (322) renewals approved, twenty-two (22) new and/or transfer permits approved, ten (10) permits conditionally approved, three (3) permits approved for first year escrow, and one (1) permit approved for second year escrow.

## **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Davis and it was unanimously approved.

## **APPLICATIONS FOR DISCUSSION**

RR49-00319 EMPIRE ENTERTAINMENT, LLC – Commissioner Marks noted this is a type 210 transfer of ownership application with the local board voting three (3) to zero (0) to approve.

Commissioner Marks moved to uphold the local board's recommendation to approve the transfer. Motion seconded by Commissioner Davis and it was unanimously approved.

## **INACTIVE FILES**

Commissioner Marks moved to make four (4) permits inactive. All four (4) permits were not subject to auction. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-06133 ARAMARK SERVICES, INC. – Commissioner Marks stated this permit was made inactive, but the permittee was never notified of the Commission’s final action. The permittee would like to have this permit reactivated.

Commissioner Marks moved to reactivate this permit. Motion seconded by Commissioner Davis and it was unanimously approved.

### **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

RR12-02209 KEVIN C. SMITH AND RR58-04551 PM LOUNGE, INC. – Chairperson DePrez stated these appeals will be assigned to a hearing officer.

### **OLD BUSINESS**

No Old Business.

### **NEW BUSINESS**

CITY OF EVANSVILLE GOLF COURSE – Chairperson DePrez noted the city of Evansville contracts with companies for the concessions at the golf course. The city is in the process of terminating the current contract. They have a new contract with a new company; however, the alcoholic beverage permit will not be approved before golf season begins. The Chairperson stated she has spoken with the president of the local board in Vanderburgh County concerning the possibility of allowing this company to sell alcoholic beverages at the golf course prior to the local board hearing, if all local board members signed off on the request.

Chairperson DePrez moved to approve a letter of authority to operate prior to the local board hearing. She noted that this is an exceptional, emergency situation and that it is not the general practice of the Commission. Motion seconded by Commissioner Davis and it was unanimously approved.

SILENT AUCTION AMBASSADORS FOR CHILDREN – Ambassadors for Children would like to serve donated alcoholic beverages at their silent auction benefit.

CRISIS CENTER FUNDRAISER – Crisis Center, Inc. would like to use donated alcoholic beverages at their silent auction and wine tasting fundraiser.

MERRILLVILLE EDUCATION FOUNDATION FUNDRAISER – Merrillville Education Foundation is requesting permission to serve donated alcoholic beverages at their fundraiser.

LUTHERAN HEALTH SERVICES SOCIETY, INC. – Lutheran Health Services Society is requesting permission to use donated alcoholic beverages at their Festival of Wines fundraiser.

ST. SIMON CATHOLIC CHURCH AND SCHOOL ROYAL FEAST – St. Simon Catholic Church would like to serve donated alcoholic beverages at their Royal Feast.

Commissioner Davis moved to approve these requests. Motion seconded by Commissioner Marks and it was unanimously approved.

SIMMONS WINERY 2<sup>ND</sup> LOCATION – Industry Liaison Okey stated the Commission received a letter from Simmons Winery requesting a second off site location for their product.

Commissioner Davis moved to approve this request pending a final inspection. Motion seconded by Commissioner Marks and it was unanimously approved.

### **POLICY DETERMINATIONS**

CATERING AUTHORITY – Chairperson DePrez stated all Excise officers have been signing off on catering authorities and temporary beer and wine permits for businesses; however, that task has never officially been assigned to them.

Chairperson DePrez moved to assign the task of signing off on catering authorities and temporary beer and wine permits to the Excise police. Motion seconded by Commissioner Davis and it was unanimously approved.

### **UNDER ADVISEMENT**

Nothing under advisement.

### **ANNOUNCEMENTS**

No announcements.

### **ADJOURNMENT**

Commissioner Marks moved to adjourn the meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

---

MARY DEPREZ, CHAIRPERSON

---

BARBARA L. GLASS, VICE CHAIRPERSON

---

JAMES DAVIS, COMMISSIONER

---

GIGI M. MARKS, COMMISSIONER